

EDUCATION DEPARTMENT[281]

Notice of Intended Action

**Proposing rule making related to senior year plus program
and providing an opportunity for public comment**

The State Board of Education hereby proposes to amend Chapter 22, “Senior Year Plus Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2019 Iowa Acts, chapter 164 [Senate File 603], and 2016 Iowa Acts, chapter 1108 [House File 2392], section 61.

Purpose and Summary

The proposed amendments to Chapter 22 reflect legislative changes from the 2019 and 2016 Legislative Sessions. Items 1 to 4 and 7 conform the rules to 2019 Iowa Acts, chapter 164 [Senate File 603], allowing for direct contracts between an accredited nonpublic school and a community college to provide concurrent enrollment coursework. Item 6 contains a new cross reference to rule 281—97.8(261E), which is proposed in **ARC 4686C**, IAB 10/9/19.

Item 5 amends a definition and Item 6 adds a new definition to clarify part-time and full-time enrollment through concurrent enrollment and the postsecondary enrollment options program.

Item 8 reorganizes rule 281—22.17(261E) and adds a new subrule 22.17(3) to implement provisions of 2016 Iowa Acts, chapter 1108, section 61, that clarify when it is permissible for a school district to provide access to community college coursework through the postsecondary enrollment options program when the school district also has a contract in place to provide concurrent enrollment coursework.

Item 9 corrects a cross reference to a new rule in Chapter 46 (**ARC 4684C**, IAB 10/9/19).

Items 10 to 13 make clarifying changes to the project lead the way program in order to clearly signal the ways in which school districts and community colleges may offer project lead the way courses.

Item 14 designates a new division for the summer college credit program.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

An agencywide waiver provision is provided in 281—Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 29, 2019. Comments should be directed to:

Nicole Proesch
Department of Education
Grimes State Office Building, Second Floor
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: nicole.proesch@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 29, 2019
10 to 11 a.m.

State Board Room, Second Floor
Grimes State Office Building
East 14th Street and Grand Avenue
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 22.2(2) as follows:

22.2(2) *Requirements established by school district.*

a. The student shall have attained the approval of the school board or authorities in charge of an accredited nonpublic school, or ~~its~~ the designee of the respective school governing body, and the eligible postsecondary institution to register for the postsecondary course.

b. No change.

ITEM 2. Amend subrule 22.3(1) as follows:

22.3(1) *Eligibility.* The teacher shall meet the standards and requirements set forth which other full-time instructors teaching within the academic department are required to meet and which are approved by the appropriate postsecondary administration. An individual under suspension or revocation of an educational license or statement of professional recognition issued by the board of educational examiners shall not be allowed to provide instruction for any program authorized by this chapter. If the instruction for any program authorized by this chapter is provided at a school district facility, accredited nonpublic school facility, or a neutral site, the teacher or instructor shall have successfully passed a background investigation conducted in accordance with Iowa Code section 272.2(17) prior to providing such instruction. The background investigation also applies to a teacher or instructor who is employed by an eligible postsecondary institution if the teacher or instructor provides instruction under this chapter at a school district facility, accredited nonpublic school facility, or a neutral site. For purposes of this rule, "neutral site" means a facility that is not owned or operated by an institution.

ITEM 3. Amend paragraph **22.3(2)“b”** as follows:

b. As assisted by the school district or accredited nonpublic school, provide ongoing communication about course expectations, teaching strategies, performance measures, resource materials used in the course, and academic progress to the student and, in the case of students of minor age, to the parent or guardian of the student;

ITEM 4. Amend subrule 22.4(2) as follows:

22.4(2) Requirements of school district or accredited nonpublic school only.

a. The Except as provided under Iowa Code section 257.11(3)“c,” and sections 279.50A and 261E.8(2)“b” as enacted by 2019 Iowa Acts, chapter 164, the school district or accredited nonpublic school shall certify annually to the department, as an assurance in the district’s or nonpublic school’s basic education data survey, that the course provided to a high school student for postsecondary credit in accordance with this chapter supplements, and does not supplant, a course provided by the school district or accredited nonpublic school in which the student is enrolled. For purposes of these rules, to comply with the “supplement, not supplant” requirement, the content of a course provided to a high school student for postsecondary credit shall not consist of substantially the same concepts and skills as the content of a course provided by the school district or accredited nonpublic school.

b. The school district or accredited nonpublic school shall ensure that the background investigation requirement of subrule 22.3(1) is satisfied. The school district or accredited nonpublic school shall pay for the background investigation but may charge the teacher or instructor a fee not to exceed the actual cost charged the school district or accredited nonpublic school for the background investigation conducted. If the teacher or instructor is employed by an eligible postsecondary institution, the school district or accredited nonpublic school shall pay for the background investigation but may request reimbursement of the actual cost to the eligible postsecondary institution.

ITEM 5. Amend rule **281—22.6(261E)**, definitions of “Concurrent enrollment,” “Full time,” “Institution” and “Student,” as follows:

“Concurrent enrollment” means any course offered to students in grades 9 through 12 during the regular school year approved by the board of directors of a school district or authorities in charge of an accredited nonpublic school through a contractual agreement between a community college and the school district that meets or authorities in charge of an accredited nonpublic school. The course shall meet the provisions of Iowa Code section 257.11(3).

“Full time” means enrollment at any one eligible postsecondary institution through a school district or accredited nonpublic school in any one academic year, exclusive of any summer term, of in 24 or more postsecondary credit hours. Enrollment in a course or courses that result in credit hours in excess of the part-time limit shall be subject to applicable provisions of this chapter including Division IV or Division V, except that the cost of enrollment shall be the responsibility of the student, or parent or legal guardian of the student.

“Institution” means a school district, accredited nonpublic school, or eligible postsecondary institution delivering the instruction in a given program as authorized by this chapter.

“Student” means any individual in grades 9 through 12 enrolled or dually enrolled in a school district, or any individual in grades 9 through 12 enrolled in an accredited nonpublic school, who meets the criteria in rule 281—22.2(261E). For purposes of Division III (Advanced Placement Program) and Division V (Postsecondary Enrollment Options Program) only, “student” also includes a student enrolled in an accredited nonpublic school or the Iowa School for the Deaf or the Iowa Braille and Sight Saving School.

ITEM 6. Adopt the following **new** definition of “Part time” in rule **281—22.6(261E)**:

“Part time” means enrollment at any one eligible postsecondary institution under Division IV or Division V in no more than 23 postsecondary credit hours per academic year, exclusive of any summer terms.

ITEM 7. Adopt the following **new** rule 281—22.13(261E):

281—22.13(261E) Accredited nonpublic school concurrent enrollment option.

22.13(1) Authorization. In addition to enrollment through a school district as authorized under subrule 22.11(2), students enrolled at an accredited nonpublic school may access concurrent enrollment coursework through a direct contract between the authorities in charge of an accredited nonpublic school and a community college.

22.13(2) General requirements. For any coursework delivered through a contract established pursuant to this rule, students, institutions, and instructors shall meet the requirements for concurrent enrollment established under rule 281—22.11(216E). However, such coursework is not eligible for funding under subrule 22.11(6).

22.13(3) Funding. Subject to the appropriation of funds by the Iowa legislature for such purposes, coursework delivered through a contract between the authorities in charge of an accredited nonpublic school and a community college pursuant to this rule may be eligible for funding under 281—rule 97.8(261E).

22.13(4) Data collection. Institutions participating in a contract pursuant to this rule shall comply with data reporting and verification processes established by the department.

ITEM 8. Amend rule 281—22.17(261E) as follows:

281—22.17(261E) Eligible postsecondary courses. These rules are intended to implement the policy of the state to promote rigorous academic pursuits. ~~Therefore, postsecondary~~

22.17(1) Postsecondary courses eligible for students to enroll in under this division shall be limited to: ~~nonsectarian~~

a. ~~Nonsectarian~~ courses; ~~courses~~

b. ~~Courses~~ that are not comparable to courses offered by the school district where the student attends which are defined in rules adopted by the board of directors of the public school district; ~~credit-bearing~~

c. ~~Credit-bearing~~ courses that lead to an educational degree; ~~courses~~

d. ~~Courses~~ in the discipline areas of mathematics, science, social sciences, humanities, and vocational-technical education; and also the courses in career option programs offered by area schools established under the authorization provided in Iowa Code chapter 260C.

22.17(2) A school district or accredited nonpublic school district shall grant academic or vocational-technical credit to an eligible student enrolled in an eligible postsecondary course.

22.17(3) A course is ineligible for purposes of this rule if the school district has a contractual agreement with the eligible postsecondary institution under Iowa Code section 261E.8 that meets the requirements of Iowa Code section 257.11(3) and if the course may be delivered through such an agreement in accordance with Iowa Code section 257.11(3).

ITEM 9. Amend rule 281—22.24(261E) as follows:

281—22.24(261E) Career academies. A career academy is a program of study as defined in 281—Chapter 47 46. A course offered by a career academy shall not qualify as a regional academy course.

22.24(1) to 22.24(3) No change.

ITEM 10. Adopt the following new paragraph **22.32(5)“c”**:

c. The teacher shall participate, on a regular basis, in available professional development provided by the national organization that administers the project lead the way program.

ITEM 11. Amend subrule 22.32(6) as follows:

22.32(6) Accreditation standards.

a. A project lead the way course may apply toward high school program accreditation standards pursuant to 281—subrule 12.5(5). To meet the requirement, the instructor must be appropriately licensed and endorsed by the board of educational examiners to teach the subject area of the accreditation standard.

b. If the project lead the way course being taught is within a career and technical education program or is one in a sequence of project lead the way courses which collectively are used to meet one

of the career and technical education sequential unit requirements of 281—Chapter 12, the program must be approved by the department pursuant to 281—Chapter 46.

ITEM 12. Amend subrule 22.32(7) as follows:

22.32(7) ~~Shared district-to-community college courses~~ *Collaborative project lead the way courses.*

a. A ~~district-to-community college sharing~~ collaborative program for project lead the way courses is established to be administered by the department to promote rigorous science, technology, engineering, and mathematics pursuits ~~at or through~~ in partnership with a community colleges college established under Iowa Code chapter 260C. The program shall be made available to all resident students in grades 9 through 12.

b. to e. No change.

~~*f.* A student may make application to a community college and the school district to allow the student to enroll for college credit in a project lead the way course offered by the community college.~~

~~*g. f.* A district-to-community college sharing program for project lead the way courses that meets the requirements of 281—subrule 97.2(6) is eligible for funding under that provision for shared college credit collaborative project lead the way career and technical education courses.~~

ITEM 13. Amend paragraph **22.32(8)“c”** as follows:

c. The school district may offer a project lead the way course as an articulated course. Articulated courses shall be offered through an agreement between the district and postsecondary institution which allows students to receive college credit at the postsecondary institution upon matriculation based on the demonstrated mastery of concepts in the high school course. An articulated course shall not be delivered by a postsecondary institution ~~or through a sharing agreement with a community college and shall not generate supplementary weighting.~~

ITEM 14. Adopt the following **new 281—Chapter 22**, Division X title, to precede rule 281—22.33(261E):

DIVISION X
SUMMER COLLEGE CREDIT PROGRAM